

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

Noel Hernandez,

Defendant.

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Criminal No.: 04 CR 10319 WGY

**DEFENDANT NOEL HERNANDEZ'S
EMERGENCY MOTION FOR ADDITIONAL DISCOVERY**

NOW COMES the Defendant, Noel Hernandez, through counsel, and respectfully moves this Honorable Court for an order compelling the Government to disclose additional discovery relating to documents Mr. Francisco Navarro had in his possession at the time of his arrest on July 13, 2004. In support thereof Counsel states the following:

1. At a hearing on June 24, 2005, Francisco Navarro testified that when he arrived at Logan Airport on July 13, 2004, he had records in his possession relating to personal medical information, lawsuits filed on his behalf, the incident which occurred on December 22, 2003, travel documents and phone records relating to Mr. Hernandez.
2. It is essential to Mr. Hernandez's defense that he be given an opportunity to review these documents to determine whether Mr. Navarro has testified truthfully and whether there is exculpatory information in said documents.
3. The undersigned counsel would agree to sign a protective order and/or confidentiality agreement.

4. The prompt disclosure of these records is necessary given the impending trial date and the given the fact that it is anticipated that these documents are in Spanish and must be translated into English in order to be useful to the Defendant.

5. The Defendant also requests the Government disclose a copy of a photograph of Francisco Navarro to the undersigned counsel.

WHEREFORE based on the foregoing arguments and authorities this Honorable Court is respectfully urged to issue an order compelling the Government to disclose all of the documents in Mr. Navarro's possession at the time he was arrested on July 13, 2004, including those records in his suitcase.

Respectfully submitted,



Peter Charles Horstmann, Esquire
BBO #556377
PARTRIDGE, ANKNER & HORSTMANN, LLP
200 Berkeley Street
Boston, Massachusetts 02116
(617) 859-9999

Attorney for Defendant
Noel Hernandez

CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 27th day of June, 2005, a copy of the foregoing DEFENDANT NOEL HERNANDEZ'S EMERGENCY MOTION FOR ADDITIONAL DISCOVERY was served electronically upon Nancy Rue, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Suite 9200, Boston, MA 02210 and David G. Tobin, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Suite 9200, Boston, MA 02210.



Peter Charles Horstmann, Esquire